

UNITED STATES DISTRICT COURT
for the
District of Nebraska

United States of America

v.

Oscar Lopez-Insuza

Date of Original Judgment: 05/07/2012

Date of Previous Amended Judgment: _____

(Use Date of Last Amended Judgment if Any)

Case No: 8:11CR326

USM No: 23346-047

David R. Stickman

Defendant's Attorney

AMENDED **ORDER REGARDING MOTION FOR SENTENCE REDUCTION**
PURSUANT TO 18 U.S.C. § 3582(c)(2)

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion, and taking into account the policy statement set forth at USSG §1B1.10 and the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent that they are applicable,

IT IS ORDERED that the motion is:

☒ DENIED. ☐ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of _____ months is reduced to _____.

(Complete Parts I and II of Page 2 when motion is granted)

Except as otherwise provided, all provisions of the judgment dated 05/07/2012 shall remain in effect.

IT IS SO ORDERED.

Order Date: 02/23/2016

Effective Date: _____
(if different from order date)



Judge's signature

Laurie Smith Camp, Chief U.S. District Judge

Printed name and title

This page contains information that should not be filed in court unless under seal.
(Not for Public Disclosure)

Oscar Lopez-Insuza

DEFENDANT: _____

CASE NUMBER: 8:11CR326

DISTRICT: District of Nebraska

I. COURT DETERMINATION OF GUIDELINE RANGE (*Prior to Any Departures*)

Previous Total Offense Level: _____ Amended Total Offense Level: _____

Criminal History Category: _____ Criminal History Category: _____

Previous Guideline Range: _____ to _____ months Amended Guideline Range: _____ to _____ months

II. SENTENCE RELATIVE TO THE AMENDED GUIDELINE RANGE

- ☐ The reduced sentence is within the amended guideline range.
- ☐ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a substantial assistance departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.
- ☐ The reduced sentence is above the amended guideline range.

III. ADDITIONAL COMMENTS

The Defendant's pro se Motions to Reduce Sentence - USSC Amendment (Filing Nos. 68, 69 and 72) are denied. Defense counsel's Motion to Withdraw (Filing No. 71) is granted, although the Court disagrees with counsel's statement that "the Defendant received the two-level reduction benefit pursuant to Amendment 782 at sentencing." The record shows that the Defendant was sentenced pursuant to an 11(c)(1)(C) plea agreement to a term of 99 months, which term was well below the applicable guideline range before or after the effective date of Amendment 782. Further, the plea agreement (Filing No. 49) demonstrates that the stipulated sentence was not dependent upon the calculation of any specific guideline range. See *Freeman v. United States*, 131 S.Ct. 2685 (2011).